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OFFICE OF PETITIONS

In re Application of
Connie Sanchez, et al.
Application No. 10/644,588
Filed: August 20, 2003
Attorney Docket No.: 05432/100M919-US3:

ON PETITION

This is a decision on the petition, filed December 14, 2009, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the final Office action of May 29, 2009, which set a three (3) month shortened statutory period for reply. It is noted that a reply was due on or before August 29, 2009; however, the maximum statutory period for response ended on November 30, 2009, since November 29, 2009 was a Sunday. On December 3, 2009, a Notice of Abandonment was mailed.

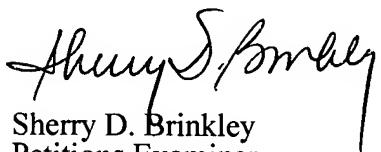
Petitioner asserts that a timely response was filed on November 24, 2009, with an appropriate extension of time. To support this assertion, petitioner submitted a copy of the Certificate of Express Mailing Under 37 CFR 1.10 "identifying these timely filed documents..." Accordingly, petitioner requests that the abandonment be withdrawn.

A review of the written record confirms that a 3-month extension of time, Request for Continued Examination (RCE) and amendment under 37 CFR 1.114 were filed on November 24, 2009, as they are present in the file. Since the response was timely received in the USPTO on November 24, 2009, no abandonment existed.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The Notice of Abandonment mailed December 39, 2009 is hereby vacated.

This application is being referred to Technology Center AU 1627 for appropriate action by the Examiner in the normal course of business on the reply received November 24, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions